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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,634	10/08/2003	Prakash Parayil Mathew	13806SUL (MHM 15115US01)	6101
23446	7590	07/27/2007	EXAMINER	
MCANDREWS HELD & MALLOY, LTD			RAMIREZ, JOHN FERNANDO	
500 WEST MADISON STREET			ART UNIT	PAPER NUMBER
SUITE 3400			3737	
CHICAGO, IL 60661			MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief Supplemental	Application No.	Applicant(s)	
	10/681,634	MATHEW, PRAKASH PARAYIL	
	Examiner John F. Ramirez	Art Unit 3737	
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			
THE REPLY FILED 20 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
<p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input checked="" type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>			
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
<p>NOTICE OF APPEAL</p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p>			
<p>AMENDMENTS</p> <p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: <u>See Continuation Sheet</u>. (See 37 CFR 1.116 and 41.33(a)).</p>			
<p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p>			
<p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p>			
<p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>			
<p>7. <input type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: <u>none</u>.</p> <p>Claim(s) objected to: <u>none</u>.</p> <p>Claim(s) rejected: <u>1-27</u>.</p> <p>Claim(s) withdrawn from consideration: <u>none</u>.</p>			
<p>AFFIDAVIT OR OTHER EVIDENCE</p> <p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p>			
<p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p>			
<p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p>			
<p>REQUEST FOR RECONSIDERATION/OTHER</p> <p>11. <input type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because:</p> <p>_____</p>			
<p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____</p>			
<p>13. <input type="checkbox"/> Other: _____</p>			

Continuation of 3. NOTE:

In relation to applicant's arguments in the response "to final action". The examiner has carefully considered all the arguments presented by applicant. However, the examiner respectfully disagrees with applicant's assumptions. The applicant states on page 11 that the Hastings patent does not associate biometric data extracted from the biometric identifier with the personal information. The examiner notes that personally identifying information is any piece of information which can potentially be used to uniquely identify, contact, or locate a single person. Items which might be considered personally identifying information include, but are not limited to are face, fingerprints, or handwriting. Applicant's attention is directed to Hastings (US 6,129,671) at column 3, lines 20-40, where Hastings is combining any kind of biophysical attributes for additional security.

Applicant argues that that any of the references disclose "allowing said registering step by inputting a password", the examiner disagrees with applicant's comments. Hastings teaches in col. 1, lines 13-17, the use of a password for authentication verification in order to gain access to the system and in col. 3, lines 31-40, specifically teaches that biophysical attributes can be used individually or in combination for additional security.

Additionally, the applicant alleges that there is not proper motivation to combine the Hastings, Yu, Wong, and Kinicki references. "It should be too well settled now to require citation or discussion that the test for combining references is not what the individual references themselves suggest but rather what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. Any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning, but so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure, such a reconstruction is proper." In re McLaughlin, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 19 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hastings (US 6,129,671).

Hastings discloses a method of using a medical imaging comprising: registering to use the medical imaging system (abstract), said registering comprising: (i) system inputting a biometric identifier into a biometric authorization unit (abstract, col. 1, lines 40-54, col. 2, lines 19-39); (ii) inputting personal information into the medical imaging system (col. 3, lines 20-40) (The examiner notes that personally identifying information is any piece of information which can potentially be used to uniquely identify, contact, or locate a single person. Items which might be considered personally identifying information include, but are not limited to are face, fingerprints, or handwriting); (iii) associating biometric data extracted from the biometric identifier with the personal information (); and storing the biometric data and associated personal information (col. 2, lines 24-34); enabling imaging use of the medical imaging system when biometric data input at the biometric authorization unit matches stored biometric data (col. 2, lines 34-39), wherein the biometric identifier is at least one of a fingerprint, handprint, voice, iris, retina, and facial thermogram (column 3, lines 20-40).

Claims 24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Singer (US 6,587,830).

The Singer patent discloses a method of using audio/video equipment comprising: registering to use the audio/video equipment by inputting biometric data ; storing the biometric data(see figure 2, elements 20, 35, 55); and enabling use of the audio/video equipment when biometric data input after said registering matches the stored biometric data (col. 7, lines 3-45, col. 7, line 65 - col. 8, line 15, col. 11, lines 10-31, wherein the audio/video equipment is one of a television, camera, CD player, DVD player, and car stereo (col. 6, lines 8-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-18, 20-22, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings in view of Yu et al. (US 5,930,804) in view of Wong et al. (US 6,260,021) and in further view of Kinicki et al. (5,315,999).

Hastings teaches all the limitations of the claimed subject matter except for mentioning specifically, wherein biometric data extracted from the biometric identifier is compared with stored biometric data in said data storage unit, wherein the stored biometric data is associated with stored personal identification information, and wherein the stored biometric data and the stored personal identification information are stored after an initial registration, wherein user preference information is associated with the stored biometric data and with the personal identification information, wherein information regarding the use of the imaging system by the user is stored in said data storage unit, wherein the imaging system is a medical imaging system including one of a Computed Tomography (CT), X-ray, Positron Emission Tomography (PET), Single Photon Emission Computed Tomography (SPECT), Electron Beam Tomography (EBT), Magnetic Resonance (MR), and image-guided surgery system, wherein use information, including at least one of user identity, time, and length of an imaging session at each of said plurality of imaging systems is stored within at least one of said central management station and any of said plurality of imaging systems, wherein a user initially registers at one of said central management station and one of said plurality of imaging systems, storing individual imaging preferences for the medical imaging system as user preference information and associating the user preference information, and allowing said registering step by inputting a password.

However, wherein biometric data extracted from the biometric identifier is compared with stored biometric data in said data storage unit, wherein the stored biometric data is associated with stored personal identification information, and wherein the stored biometric data and

the stored personal identification information are stored after an initial registration, wherein user preference information is associated with the stored biometric data and with the personal identification information, wherein information regarding the use of the imaging system by the user is stored in said data storage unit, wherein the imaging system is a medical imaging system including one of a Computed Tomography (CT), X-ray, Positron Emission Tomography (PET), Single Photon Emission Computed Tomography (SPECT), Electron Beam Tomography (EBT), Magnetic Resonance (MR), and image-guided surgery system, wherein use information, including at least one of user identity, time, and length of an imaging session at each of said plurality of imaging systems is stored within at least one of said central management station and any of said plurality of imaging systems, wherein a user initially registers at one of said central management station and one of said plurality of imaging systems, storing individual imaging preferences for the medical imaging system as user preference information and associating the user preference information, and allowing said registering step by inputting a password are considered conventional in the art as evidenced by the teachings of Yu et al. (US 5,930,804), Wong et al. (US 6,260,021) and Kinicki et al. (5,315,999).

The Yu et al. patent teaches wherein biometric data extracted from the biometric identifier is compared with stored biometric data in said data storage unit (abstract), wherein the stored biometric data is associated with stored personal identification information (see figure 5, 106), and wherein the stored biometric data and the stored personal identification information are stored after an initial registration (col. 10, lines 46-67, col. 11, lines 1-34), wherein a user initially registers at one of said central management station and one of said plurality of imaging systems (col. 9, lines 10-67), storing individual imaging preferences for the medical imaging system as user preference information and associating the user preference information (col. 10, lines 1-60), and allowing said registering step by inputting a password, Moreover, the Wong et al. patent teaches wherein information regarding the use of the imaging system by the user is stored in said data storage unit (col. 10, lines 28-47), wherein use information, including at least one of user identity, time, and length of an imaging session at each of said plurality of imaging systems is stored within at least one of said central management station and any of said plurality of imaging systems (col. 13, lines 7-24), wherein the imaging system is a medical imaging system including one of a Computed Tomography (CT), X-ray, Positron Emission Tomography (PET), Single Photon Emission Computed Tomography (SPECT), Electron Beam Tomography (EBT), Magnetic Resonance (MR), and image-guided surgery system (col. 1, lines 20-31, col. 10, lines 28-47). Furthermore, the Kinicki et al. patent teaches storing individual imaging preferences for the medical imaging system as user preference information and associating the user preference information (see abstract).

Based on the above observations, for a person of ordinary skill in the art, modifying the method disclosed by Hastings, with the above discussed enhancements would have been considered obvious because such modifications would provide a safer and faster method to biometric authentication of individuals seeking access to medical image workstations.



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